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Qi Guan

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EXAMINER

SOL, ANTHONY M

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,602

Applicant(s)

GUAN, QI

Examiner

Anthony Sol

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The disclosure is objected to because of the following informalities:
 - On page 9, line 3, it is believed that, "A further advantage invention the improved" should state, --A further advantage according to the invention is the improved--.

Appropriate corrections are required.

2. The drawings are objected to because Figure 2 contains German phrases. Specifically, "Gerufenes IKE mit VoIP Service," and "Gerufenes IKE in INT-Session." The applicant's preliminary amendment containing Key to Figures with the English translation of "called IKE with VoIP service," and "called IKE in INT Session" is not sufficient. Fig. 2 must be corrected to replace the non-English phrases with English phrases. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 15 is objected to because of the following informalities:
- For line 7, it is believed that "relations witched" should state --relations switched--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1- 4, 6, 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,320,857 B1 ("Tonnby").

Regarding claim 1,

Tonnby shows in Fig. 1, telephony server 10 (gateway) is connected to the

Internet access server 8 and to PSTN 3 and provides a telephony service (voice traffic) to users of the internet. Tonnby further discloses user A starts the telephony application 11 and logs on to the telephony server and establishes an IP link 14A, 15 to the telephony server 10 (protocol related conversion) (Col. 3, lines 64-67; claim 1 - performing physical and protocol-related conversion of the voice traffic relations by a gateway connected to the Internet and the telephone communication network).

Tonnby discloses that when user A starts the telephony application 11, and when the application logs on to the telephony server it passes user A's telephone number as well as the IP address of user A's computer to the telephony server. Tonnby further discloses that the telephony server now establishes a temporary relation between user A's telephony number and the IP address of user A's computer. Calls to user A's telephone number will be routed in the PSTN to the telephony server, and subsequently to user A's computer based upon the temporary relation between user A's telephone number and the IP address of user A's computer (Col. 4, lines 62-63, col. 5, lines 1-6, 21-23, 32-35; claim 1 - setting a call diversion in the telephone communication network by one of a first telephone terminal before an Internet session or an associated Internet terminal during an Internet session, in such a manner that a connection setup for the voice traffic relation, initiated by a second telephone terminal to the telephone terminal, is diverted to the associated Internet terminal).

6. Regarding claim 2,

Tonnby discloses a method that covers all the limitations of the parent

claim.

Tonnby discloses that the telephony server activates the service "call forwarding" and indicates as call forwarding number the unique telephone number of the telephony server (Col. 5, lines 9-12; claim 2 - a uniform call number is provided for the telephone and Internet terminals).

7. Regarding claim 3,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses that telephony server 10 of Fig. 1 is connected to the Internet access server 8 and to PSTN 3 and provides a telephony service to users of the Internet (Col. 3, lines 64-67; claim 3 - the voice traffic relation is implemented by a Voice over Internet function in the Internet).

8. Regarding claim 4,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses that the call forwarding service is activated by the telephony server (gateway) on behalf of an Internet user A by the telephony server using the known service called remote controlled call forwarding by having the telephony server send a request for forwarding of calls to the telephony server using a TCP/IP connection 39 of Fig. 6. Tonnby further discloses that to activate and deactivate service the

telephony server needs to signal a password to the PSTN/ISDN network for security reasons. Fig. 6 shows the signaling, by way of dashed lines, going through IP access server 8 and telephony server 10 (gateway) that sets up the call forwarding (call diversion)(Col. 8, lines 20-29, 46-48; claim 4 - call diversion is set by the Internet terminal by signaling via the gateway to the telephone communication network, the signaling being converted in the gateway).

9. Regarding claim 6,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses a telephony server 10 (subscriber server) of Fig. 5, which comprises a central controller 27 that requests the PSTN network (telephone communication network) to activate and deactivate (signaling) the call forwarding service and provides connections to the IP access server (packet switching communication network) (Col. 7, lines 63-65, col. 7, lines 1-7; claim 5 - the call diversion is set by the Internet terminal by signaling via a subscriber server and a packet switching communication network connected to the former and the telephone communication network).

10. Regarding claim 8,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses that a telephony server 10 of Fig. 1 is connected to the Internet access server 8 and to PSTN 3 and provides a telephony service to users of the Internet (Col. 3, lines 64-67; claim 8 - a diverted connection setup for a voice traffic relation is switched to the relevant Internet terminal with the aid of the Voice over Internet function in the Internet).

11. Regarding claim 9,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses that the telephony server activates the service "call forwarding" and indicates as call forwarding number the unique telephone number of the telephony server. Tonnby further discloses that the telephony server, based upon the temporary relation between user A's (Fig. 1) telephone number and IP address of user A's computer, creates a relation between the incoming call and the IP address of user A's computer (Col. 5, lines 9-12, 21-25; claim 9 - a uniform destination call number of the connection setup for a voice traffic relation, diverted into the Internet, is converted into an Internet-related Internet address by a call number server in the Internet).

12. Regarding claim 10,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby shows in Fig. 1, user B wants to speak with user A over the telephone and dials the telephone number to user A. PSTN detects that calls to A should be forwarded to the forwarding number and therefore redirects the call to the telephony server. The telephony server receives an incoming call at a port 16. Accordingly a PSTN connection 17 is established to the telephony server. Next the telephony server, based upon the temporary relation between user A's telephone number and the IP address of user A's computer, creates a relation between the incoming call and the IP address of user A's computer (Col. 5, lines 15-25; claim 10 - the call diversion is set with the aid of a communication system-related call diversion routine in a communication system of the telephone communication network).

13. Regarding claim 11,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby shows in Fig. 1 a modem 4, which is used by the telephony application to log on to the telephony server to pass user A's telephone number as well as the IP address of user A's computer to the telephony server. Tonnby discloses that the telephony server now establishes a temporary relation between user A's telephony number and the IP-address of user A's computer (Col. 5, lines 1-6; claim 11 - the call diversion is effected by one of the associated telephone terminal or the Internet terminal with the aid of a modem function before an Internet session of an Internet terminal).

14. Regarding claim 12,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby shows in Fig. 1 a modem 4 coupled to the PC 2 (Claim 12 - a modem function effecting the connection-set-up and the data transmission and representing a telephone terminal is associated with an Internet terminal implemented by a personal computer).

15. Regarding claim 13,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby shows in Fig. 1 a modem 4 connected to both PC 2 and telephone 1 (Claim 13 - the Internet terminal is implemented by a personal computer and is associated with a telephone terminal).

16. Regarding claim 14,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses user B of Fig. 1 wants to speak with user A over the telephone and dials the telephone number to user A. PSTN detects that calls to A should be forwarded to the forwarding number and therefore redirects the call to the telephony

server (gateway) (Col. 5, lines 15-18; claim 14 - the connection set-up of a telephone terminal is diverted to the gateway due to the call diversion set).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby in view of U.S. Patent No. 6,757,274 B1 ("Bedingfield").

Regarding claim 5,

Tonnby discloses a method that covers all the limitations of the parent claim.

Tonnby discloses a telephony server 10 (subscriber server) of Fig. 5, which comprises a central controller 27 that requests the PSTN network (telephone communication network) to activate and deactivate (signaling) the call forwarding service and provides connections to the IP access server (Col. 7, lines 63-65, col. 7, lines 1-7; claim 5 - the call diversion is set by the Internet terminal by signaling via a subscriber server and the telephone communication network).

Tonnby does not disclose that the intelligent communication network is connected to the subscriber server and the telephone communication network.

Bedingfield discloses an Internet Call Notification system wherein the advanced intelligent network (AIN) 100 of Fig. 1 is interconnected via Signaling System #7 (SS7). A service switching point (SSP) 175 switches calls to and from the internet user 150 (Col. 3, lines 29-31, 46-48; claim 5 - intelligent communication network connected to the former (subscriber server) and the telephone communication network).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the call diversion configuration of Tonnby to include an advanced intelligent network as taught by Bedingfield so that the subscriber can receive the caller information such as names, street addresses, and telephone numbers (Col. 3, lines 63-65). One skilled in the art would have been motivated to combine Tonnby with Bedingfield (collectively "Tonnby-Bedingfield") to generate the claimed invention with a reasonable expectation of success.

19. Regarding claim 7,

Tonnby-Bedingfield discloses a method that covers all the limitations of the parent claim.

Tonnby-Bedingfield discloses that to activate the remote controlled call forwarding service the telephony server sends the above request for forwarding of calls to the telephony server using a TCP/IP connection 39 of Fig. 6 (Tonnby, col. 8, lines 26-29; claim 7 – the signaling between the respective Internet terminal and the subscriber server is implemented by Internet signaling).

Tonnby-Bedingfield discloses that the service switching point (SSP) 175 of Fig. 1 switches calls to and from the internet user 150. Tonnby-Bedingfield further discloses that the SSP 175 is communicatively coupled to an Advanced Intelligent Network Service Control Point (AIN SCP) 180 or similar SS7-compatible device (Bedingfield, col. 3, lines 46-53; claim 7 - the Internet signaling is converted into signaling in one of the intelligent communication network or packet switching communication network in the subscriber server).

Tonnby-Bedingfield discloses that to the telephony server, it does not matter whether the telephones 1, 6 of Fig. 1 are of analogous or digital type, because PSTN/ISDN will provide the proper type of signals to the telephones (Tonnby, col. 7, lines 22-25; claim 7 - signaling is adapted to the signaling in the telephone communication network).

20. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby in view of Bedingfield.

Regarding claim 15,

Tonnby shows in Fig. 1, an IP access server 8, which acts as an Internet gateway between the PSTN and the Internet (Col. 3, lines 60-64; claim 15 - an access device configured for access from the telephone communication network to the Internet).

Tonnby further shows in Fig. 1, telephony server 10 (gateway) is connected to the Internet access server 8 and to PSTN 3 and provides a telephony service (voice

traffic) to users of the internet. Tonnby further discloses user A starts the telephony application 11 and logs on to the telephony server and establishes an IP link 14A, 15 to the telephony server 10 (procedural conversion) (Col. 3, lines 64-67; claim 15 – a gateway connected to the telephone communication network and the Internet for physical and procedural conversion of voice traffic relations switched via the telephone communication network and the Internet).

Tonnby does not disclose a signaling device provided in the Internet to set a call diversion in the telephone communication network for an Internet terminal which is coupled to the Internet via the telephone communication network.

Bedingfield discloses that a service switching point ("SSP") 175 of Fig. 1 switches calls to and from the internet user 150. The SSP 175 is communicatively coupled to an Advanced Intelligent Network Service Control Point ("AIN SCP") 180 or similar SS7-compatible device. The SSP 175 and AIN SCP 180 communicate via SS7 messaging and TCAP queries. The AIN SCP 180 accesses one or more databases, including an Internet Call Notification ("ICN") database 190 and a caller information database 194. The AIN SCP stores information and accesses the ICN database 190 for ICN-related information. The caller information database contains information regarding individual callers, such as names, street addresses, and telephone numbers of subscribers and non-subscribers to the network. The user PC 200 (through the SSP 175) and the AIN SCP 180 are both communicatively coupled to the internet 300 using Transmission Control Protocol/Internet Protocol (TCP/IP) networking (Col. 3, lines 46-67, col. 4, lines 1-2; claim 15 - a signaling device provided in the Internet to set a call

diversion in the telephone communication network for an Internet terminal which is coupled to the Internet via the telephone communication network).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the VoIP system of Tonnby to include a SSP and AIN SCP devices of Bedingfield so that industry standard SS7 messaging can be used to switch calls to and from the internet user (Col. 3, lines 46-48) . One skilled in the art would have been motivated to combine Tonnby with Bedingfield (collectively "Tonnby-Bedingfield") to generate the claimed invention with a reasonable expectation of success.

21. Regarding claim 16,

Tonnby-Bedingfield discloses a system that covers all the limitations of the parent claim.

Tonnby-Bedingfield discloses a service switching point ("SSP") 175 of Fig. 1 (subscriber server) that switches calls to and from the internet user 150 (Bedingfield, col. 3, lines 46-48; claim 16 – subscriber server configured for connection to the telephone communication network). Tonnby-Bedingfield further discloses that the user PC200 through the SSP 175 and the AIN SCP 180 are both communicatively coupled to the internet 300 using Transmission Control Protocol/Internet Protocol (TCP/IP) networking (Bedingfield, col. 3, lines 66-67, col. 4, lines 1-2; claim 16 – Via an intelligent network, Internet terminal configured to set a call diversion). See the rejection to claim

15 concerning setting a call diversion in the telephone communication network by signaling.

22. Regarding claim 17,

Tonnby-Bedingfield discloses a system that covers all the limitations of the parent claim.

Tonnby-Bedingfield discloses that the authorized user will have calls, which are directed to the user's home telephone number, forwarded to the current location at which the user is having the Internet session (Tonnby, col. 3, lines 21-24, claim 17 - the signaling device for setting up a communication relation between an Internet terminal and the subscriber server are designed with web page orientation).

23. Regarding claim 18,

Tonnby-Bedingfield discloses a system that covers all the limitations of the parent claim.

Tonnby-Bedingfield shows in Fig. 1, user B wants to speak with user A over the telephone and dials the telephone number to user A. PSTN detects that calls to A should be forwarded to the forwarding number and therefore redirects the call to the telephony server (call number server). The telephony server receives an incoming call at a port 16. Accordingly a PSTN connection 17 is established to the telephony server. Next the telephony server, based upon the temporary relation between user A's telephone number and the IP address of user A's computer, creates a relation between

the incoming call and the IP address of user A's computer (Tonnby, col. 5, lines 15-25; claim 18 - call number server is provided for setting and storing Internet-related Internet addresses by which Internet terminals can be currently reached).

24. Regarding claim 19,

Tonnby-Bedingfield discloses a system that covers all the limitations of the parent claim.

Tonnby-Bedingfield discloses that when establishing contact with the telephony server, the telephony application has to follow an authentication procedure, the purpose of which is to establish the identity of the user and the telephone number/telephone line from which the user is having the ongoing Internet session. As an example the telephony server prompts the user or the user's telephony application to give a password and the telephone number at which the Internet session takes place. User A can have the IP session from any telephone line connected to the PSTN, thus imparting mobility to user A, while calls to user A's home telephone will be redirected to the site at which user A is having the Internet session (Tonnby, col. 8, lines 55-67; claim 19 - Internet addresses can be modified by a respective Internet terminal, as a result of which a call diversion to at least one of other Internet terminals, to a dialog device and a memory device is set).

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby in view of Bedingfield, and in further view of U.S. Patent No. 6,614,781 B1 ("Elliott").

Tonnby-Bedingfield discloses a system that covers all the limitations of the parent claim.

Tonnby-Bedingfield does not disclose that during an implementation of the Internet in accordance with the standard 11.323, a gatekeeper is provided for the call control between the servers and the gateway and the access device.

Elliott discloses that the H.323 standard provides a foundation for, for example, audio, video, and data communications across IP-based networks, including the Internet. By complying with the H.323 Recommendation, multimedia products and applications from multiple vendors can interoperate, allowing users to communicate without concern for compatibility. Elliott shows in Fig. 58A s a block diagram of the H.323 architecture for a network-based communications system 5800. H.323 defines four major components for network-based communications system 5800, including: terminals 5802, 5804 and 5810, gateways 5806, gatekeepers 5808, and multipoint control units 5812. Elliott further discloses that the gatekeeper 5808 is the most important component of an H.323 enabled network. It acts as the central point for all calls within its zone and provides call control services to registered endpoints. In many ways, an H.323 gatekeeper 5808 acts as a virtual switch (Col. 43, lines 35-41, col. 44, lines 1-6, 65-67, col. 45, lines 1-2; claim 20 - during an implementation of the Internet in accordance with the standard 11.323, a gatekeeper is provided for the call control between the servers and the gateway and the access device).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the VoIP system of Tonnby to include a gatekeeper as disclosed by Elliott to comply with the H.323 standard and as to act as the central point for all calls within its zone and provides call control services to registered endpoints (Elliott, col. 44, lines 66-67, col. 45, lines 1). One skilled in the art would have been motivated to combine Tonnby-Bedingfield with Elliott (collectively "Tonnby-Bedingfield-Elliott") to generate the claimed invention with a reasonable expectation of success.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/27/2005



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